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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/591,020	08/29/2006	Dan Li	CU-5023 RJS	4827
26530	7590	11/06/2008	EXAMINER	
LADAS & PARRY LLP			BAIG, ADNAN	
224 SOUTH MICHIGAN AVENUE				
SUITE 1600			ART UNIT	PAPER NUMBER
CHICAGO, IL 60604			4172	
			MAIL DATE	DELIVERY MODE
			11/06/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/591,020	LI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	ADNAN BAIG	4172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 August 2006.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-11 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 29 August 2006 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/21/08</u> .   | 6) <input type="checkbox"/> Other: _____ .                        |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Giorgetta (US 6,795,451).

Regarding claim 1, Giorgetta discloses a method for negotiating bandwidth of a Data Communication Channel (DCC)

automatically, comprising the steps of:

performing a first communication channel configuration by two network elements respectively;

informing, by the network element at transmitting end of the DCC, the network element at receiving end of the DCC of DCC negotiation message via the communication channel;

after receiving the DCC negotiation message, the network element at the receiving end comparing the DCC negotiation message with overhead bytes available to the network element at the receiving end, to obtain an intersection, which is overhead bytes, for constructing a DCC, available to both the network elements, wherein the overhead bytes as bandwidth of the channel are used to perform a second DCC configuration in the same order, so as to establish the DCC. (Col.1 lines 1-5, Col.2 lines 1-47)

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Regarding claim 2, Giorgetta discloses a method according to claim 1, comprising:

sending a DCC connection command from the two network elements to the

opposite network element via the new DCC respectively;

after receiving the DCC connection command, sending a DCC connection

acknowledgement command from the two network elements to the opposite network

element respectively;

accomplishing establishment of the DCC after the two network elements receive

the DCC acknowledgement commands. (Col.1 lines 1-5, Col.2 lines 1-47)

Once Transmission is taken place from the opposite network, a second DCC configuration is established as mentioned in claim 1 which is equivalent to a new DCC. Sending a DCC acknowledgement command is equivalent to a new auxiliary message as disclosed.

Regarding Claim 3, Giorgetta discloses the method according to claim 1, wherein the first communication channel configuration is performed in default configuration mode. (Col. 25 lines 25- 41, Col. 8 lines 3-11).

Regarding Claim 4, Giorgetta discloses the method according to claim 1, wherein each DCC of the network elements determines whether to perform the DCC bandwidth negotiation in accordance with the requirements of users. (Col. 4 lines 20-34)

Figure 2 is the correct drawing Giorgetta refers to wherein a user can monitor bandwidth.

Regarding claim 5, Giorgetta discloses a method according to claim 3, wherein the network elements return to the default DCC configuration state if the configured timer is expired at any step during the second DCC establishment process. (Table 9).

The table illustrates a clock failure where the register is reset and default values are assigned.

Regarding claim 6, Giorgetta discloses a method according to claim 3, wherein both of the network elements at the transmitting and receiving ends of the DCC return to the default DCC configuration state if the preconfigured connected DCCs fails. (Col.8 Lines 3-11)

Regarding Claim 7, Giorgetta discloses a method according to claim 3, wherein both of the two network elements perform the first DCC configuration by using one or more unused overhead in a section overhead, (Col. 2 lines 11-27), the one or more unused overhead bytes in the section overhead comprising: D bytes and other unused section overhead bytes. (Col 5. Step 12.)

Regarding claim 8, Giorgetta discloses a method according to claim 1, wherein the DCC negotiation message comprises: overhead bytes and the order of the overhead bytes available to the transmitting end of DCC of the current network element. (Col. 2 lines 28-47).

Giorgetta explains that a group of overhead bits are selected to communicate to the transmitting end and states that these bits are in the original order as it was received in order to pass the message.

Regarding claim 9, Giorgetta discloses the method according to claim 7, wherein the D bytes are in an order from D1 to D12. (Fig. 15)

Fig. 15 illustrates the D bytes in an order from D1 to D12 wherein the frame structure performs the DCC configuration.

Regarding claim 10, Giorgetta discloses The method according to claim 3, wherein during the second DCC configuration, the default DCC constructed by the default section overhead bytes is

reserved, and the new DCC is constructed by using the newly-added section overhead bytes. (Col. 25 lines 25-41)

Giorgetta discloses that in the default configuration, overhead bytes are reserved and stored in a memory location where they are followed through a line feed where a new DCC will be constructed.

Regarding Claim 11, Gioretta discloses a method according to claim 1, wherein the SDH/SONET section overhead bytes for constructing the DCC are overhead bytes selected from a group consisting of DI-D12 bytes and other unused section overhead bytes, wherein the section overhead bytes used in the network elements at both ends of the DCC are consistent with each other. (Col. 5 Step 10 and 12)

Fig. 5 illustrates a group consisting of D bytes and Redundant bytes which serve as unused section overhead bytes.

Fig. 6 illustrates that the section overhead bytes are always consistent in the network elements with the use of a frame structure.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADNAN BAIG whose telephone number is (571) 270-7511. The examiner can normally be reached on Mon-Fri 7:30m-5:00pm eastern Every other Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lewis West can be reached on 571-272-7859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ADNAN BAIG/  
Examiner, Art Unit 4172

/Lewis G. West/  
Supervisory Patent Examiner, Art Unit 2618